

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 83-13

AN ORDINANCE

approving the Final Plat of Broadway Shopping Center Subdivision, a minor subdivision; accepting the dedication of rights-of-way and easements; granting a variance from the Subdivision Regulations regarding dedication of street right-of-way; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Council hereby approves the Final Plat of Broadway Shopping Center Subdivision, dated March 11, 2013, a minor subdivision located between West Broadway and Ash Street, west of Clinkscales Road, containing approximately 15.37 acres in the City of Columbia, Boone County, Missouri, and hereby authorizes and directs the Mayor and City Clerk to sign the plat evidencing such approval.

SECTION 2. The City Council hereby accepts the dedication of all rights-of-way and easements as dedicated upon the plat.

SECTION 3. Subdivider is granted a variance from the requirement of Section 25-43(1) of the Subdivision Regulations so that dedication of additional right-of-way shall not be required along the Atkins Drive frontage.

SECTION 4. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2013.

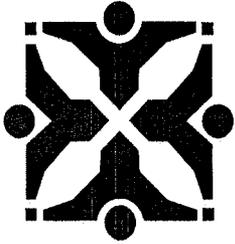
ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor



Source: Community Development - Planning 

Agenda Item No:

To: City Council
From: City Manager and Staff 

Council Meeting Date: Apr 1, 2013

Re: Broadway Shopping Center Subdivision final plat request (Case #13-22)

EXECUTIVE SUMMARY:

A request by Engineering Surveys and Services, on behalf of Shelter Enterprises (owner), for a three-lot, final minor plat, to be known as "Broadway Shopping Center Subdivision" and a right-of-way variance. The 15.37-acre site is located between Ash Street and Broadway, on the Broadway Shopping Center site. (Case #13-22)

DISCUSSION:

The applicant requests a three-lot final plat and right-of-way variance. Platting the lots confirms their status as legal, conforming lots and allows for some reapportionment of lot area. Previously, the subject site was part of both a recorded survey and McCauley's Subdivision. The final plat was reviewed by pertinent City staff and other agencies, and complies with the Subdivision Regulations, except for the right-of-way half-width along Atkins Drive, for which a variance is sought.

Atkins Drive currently functions as a one-way street with a 22-foot-wide right-of-way. As further residential development never occurred on the west side of Atkins, the western half-width was never obtained. The consulting surveyor indicates that to plat the additional right-of-way and to remove the fence that currently screens residents on the east side of Atkins Drive would be an imposition on their privacy. As a parallel drive exists internally on the subject site, allowing commercial traffic movement, it is unlikely that Atkins will be improved in the future. If future redevelopment of the subject site were to occur, the existing half-width could be expanded as part of a revised C-P plan approval.

At its March 21, 2013 meeting, the Planning and Zoning Commission voted to recommend approval of the plat and variance request in a 7-0 vote. The applicant's representative spoke, and no one from the public commented.

A staff report, locator maps, reduced size copy of the plat, and variance request are attached.

FISCAL IMPACT:

None.

VISION IMPACT:

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

None.

SUGGESTED COUNCIL ACTIONS:

Staff recommends approval of the final plat.

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Epands an existing program?	No	Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	No
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	N/A
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	N/A
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	N/A

**AGENDA REPORT
 PLANNING AND ZONING COMMISSION MEETING
 MARCH 21, 2013**

SUMMARY

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The applicant requests a three-lot final plat and right-of-way variance. Platting the lots confirms their status as legal, conforming lots and allows for some reapportionment of lot area. Previously, the subject site was part of both a recorded survey and McCauley's Subdivision. The final plat was reviewed by pertinent City staff and other agencies, and complies with the Subdivision Regulations, except for the right-of-way half-width along Atkins Drive, for which a variance is sought.

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STAFF RECOMMENDATION

Staff recommends approval of the final plat and variance requests.

VARIANCE(S) REQUESTED

Section of Subdivision Regulations	Description
25-43	Right-of-way along Atkins Drive

SITE CHARACTERISTICS

Area (acres)	15.1
Topography	Sloping downward toward the southwest
Watershed	Harmony Creek, County House Branch

UTILITIES & SERVICES

Sanitary Sewer	All City of Columbia services
Water	
Electric	
Fire Protection	

ACCESS

Pedestrian Access Needs	
Sidewalks	Installed; may not meet current standard
CATSO Bicycle/Pedestrian Network Plan	Backbone on Broadway and Clinkscapes; pedway on Ash

Broadway	South of site
Major Roadway Plan classification	Major arterial
Capital Improvement Program projects	Description: None Cost: N/A
Right-of-way needed	106-110' needed

Clinkscapes St.	East of site
Major Roadway Plan classification	Neighborhood collector
Capital Improvement Program projects	Description: Intersection improvement, Ash & Clinkscapes Cost: \$1.2 M Timeline: 6-10 years
Right-of-way needed	66-76' needed

Ash St.	North of site
Major Roadway Plan classification	Major collector
Capital Improvement Program projects	Description: Intersection improvement, Ash & Clinkscapes Cost: \$1.2 M Timeline: 6-10 years
Right-of-way needed	66-76' needed

Atkins Drive	East of site
Major Roadway Plan classification	Local
Capital Improvement Program projects	Description: None Cost: N/A
Right-of-way needed	22' half-width needed; variance sought

PARKS & RECREATION

Neighborhood Parks Plan	The ARC adjacent to north
Trails Plan	Other trail or pedway along Clinkscapes
Trail easement(s)	None

Report prepared by ML

Approved by PRZ



Case 13-22: ROW Variance Broadway Shopping Center Final Plat

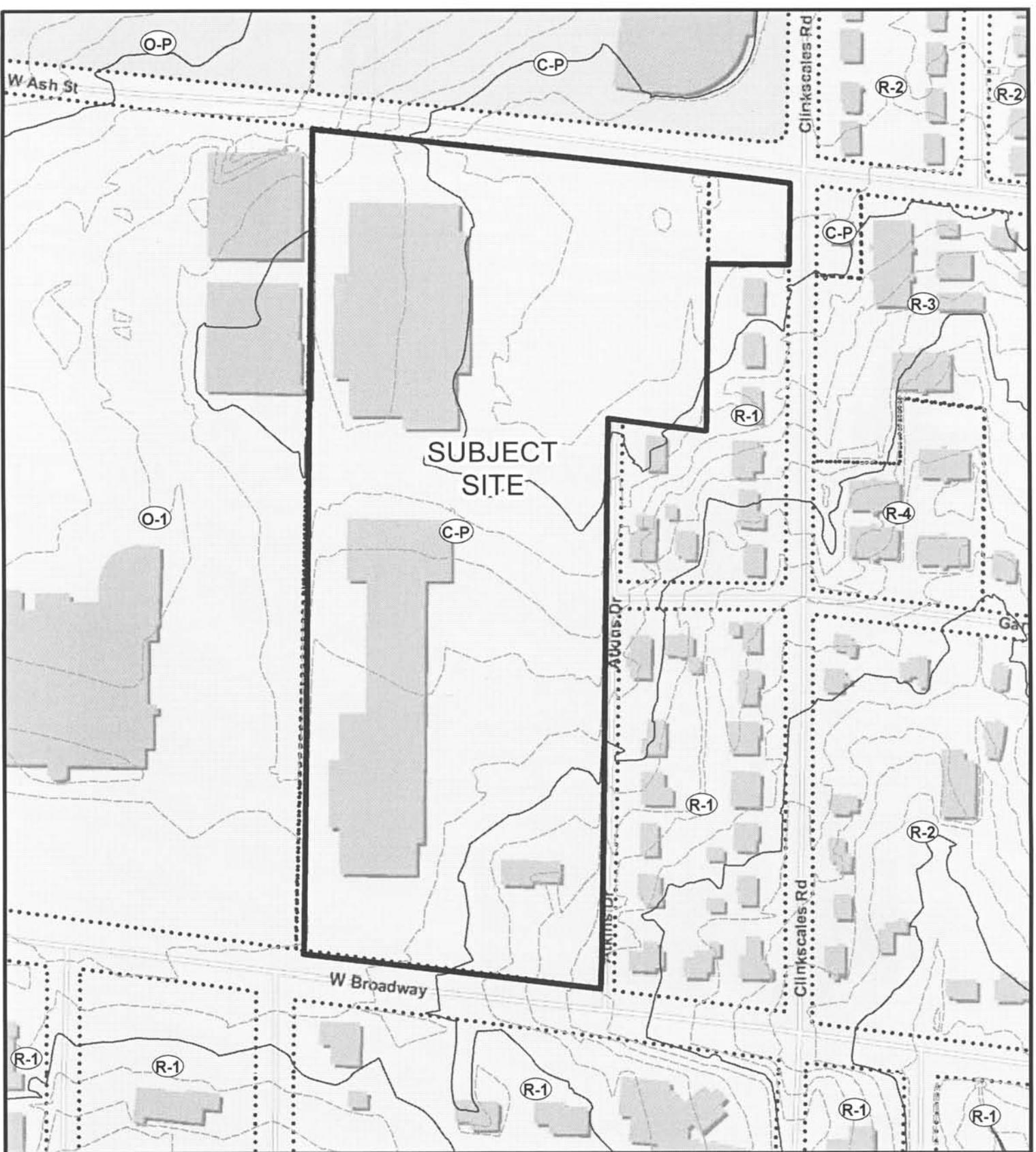


2011 Orthophoto
Source: Boone County Assessor



1 inch = 200 feet





**Case 13-22: ROW Variance
Broadway Shopping Center Final Plat**



1 inch = 200 feet



Engineering Surveys and Services

Consulting Engineers, Geologists, and Land Surveyors
Analytical and Materials Laboratories

1113 Fay Street
Columbia, Missouri 65201
Telephone 573-449-2646
Facsimile 573-499-1499

E-Mail ess@ESS-Inc.com
<http://www.ESS-Inc.com>

March 8, 2013

Mr. Timothy Teddy, Director
City of Columbia
Department of Community Development
P.O. Box 6015
Columbia, MO 65205

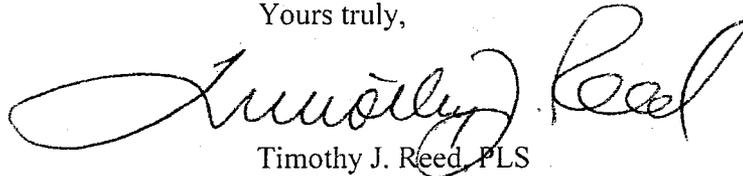
Dear Mr. Teddy:

In conjunction with the proposed plat of "Broadway Shopping Center Subdivision" and in accordance with Section 25- 20 of the City of Columbia Subdivision Regulations, we respectfully request a variance be granted to Section 25-43, regarding the right-of-way width of Atkins Drive. This is a very unique situation and is fully explained on the attached "Variance Worksheet.

If you have any questions, please contact me.

Thank you very much.

Yours truly,



Timothy J. Reed, PLS

Enclosures
cc/enclosures: Mr. Keith Curd

Other Offices
Jefferson City, Missouri • Sedalia, Missouri

March 8, 2013

Broadway Shopping Center Subdivision – Variance Worksheet
Atkins Drive right-of-way

1. The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

Atkins Drive was platted by McCauley's Subdivision in 1953, as a 22 foot wide right-of-way. The intent at that time, was that, in the event that additional residential lots were platted, west of this subdivision, an additional 22 feet of right-of-way would be dedicated to provide city street access to the new lots. Obviously, this anticipated residential development never occurred, and the Broadway Shopping Center was constructed around 1963. McCauley's Subdivision is fully developed and Atkins Drive has been constructed in the 22 foot wide right-of-way and serves this subdivision as a one way street. There will be no detriment to the public safety, health or welfare as a result of this variance, nor will it cause any injury to other property or improvements in the neighborhood. On the contrary, there will be significant detriment to the public safety, health and welfare of the residents of McCauley Subdivision if this variance is NOT granted. The residents appreciate Shelter Insurance constructing and maintaining the privacy fence along the west side of Atkins Drive, and do not want their neighborhood opened up to the commercial area.

2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought, are not generally applicable to other property and are not self-imposed.

Atkins Drive was platted by McCauley's Subdivision in 1953, as a 22 foot wide right-of-way. The intent at that time, was that, in the event that additional residential lots were platted, west of this subdivision, an additional 22 feet of right-of-way would be dedicated to provide city street access to the new lots. Obviously, this anticipated residential development never occurred, and the Broadway Shopping Center was constructed around 1963. This condition is unique to McCauley's Subdivision and to the Broadway Shopping Center is not applicable to other property, and is not self-imposed.

3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations was carried out; and

Atkins Drive was platted by McCauley's Subdivision in 1953, as a 22 foot wide right-of-way. The intent at that time, was that, in the event that additional residential lots were platted, west of this subdivision, an additional 22 feet of right-of-way would be dedicated to provide city street access to the new lots. Obviously, this anticipated residential development never occurred, and the Broadway Shopping Center was constructed around 1963. McCauley's Subdivision is fully developed and Atkins Drive has been constructed in the 22 foot wide right-of-way and serves this subdivision as a one way street. If the strict

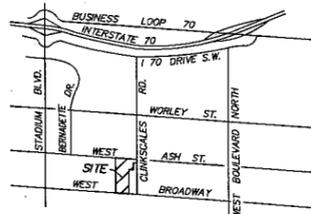
letter of these regulations was carried out, Atkins Drive would be widened and the neighborhood would be opened up and exposed to the noise, lights, traffic and commercial activities of the Broadway Shopping Center. The residents appreciate Shelter Insurance constructing and maintaining the privacy fence along the west side of Atkins Drive, and do not want their neighborhood opened up to the commercial area.

4. The variance will not in any manner abrogate the provisions of the comprehensive plan of the City.

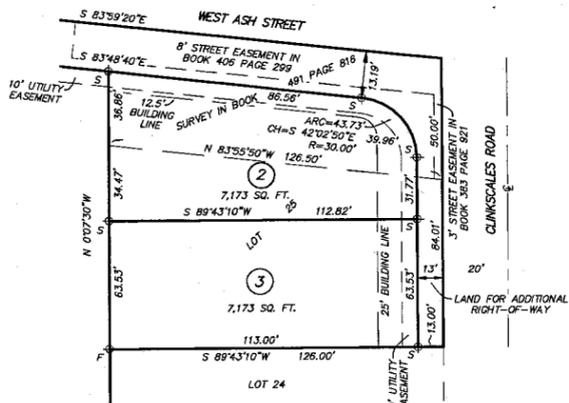
Granting a variance to allow Atkins Drive to continue to function as it has since 1953, will simply allow it to conform to the "alley" type of street, on the Street Width chart in Section 25-43 of the Subdivision Regulations. This variance will not in any manner abrogate the provisions of the comprehensive plan of the City.

BROADWAY SHOPPING CENTER SUBDIVISION

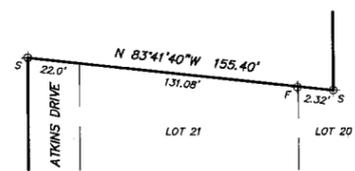
MARCH 11, 2013



KEY MAP
NOT TO SCALE



DETAIL 1
NOT TO SCALE



DETAIL 2
NOT TO SCALE

NOTES

IN ACCORDANCE WITH CHAPTER 12A OF THE CITY OF COLUMBIA CODE OF ORDINANCES NO STREAM BUFFER HAS BEEN PROVIDED, AS DETERMINED FROM THE 7.5 MINUTE SERIES USGS COLUMBIA QUADRANGLE MAP DATED 2011.

THIS PROPERTY IS LOCATED IN ZONE "X" AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN BY FLOOD INSURANCE RATE MAP NUMBER 29019C02800, DATED MARCH 17, 2011.

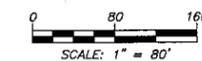
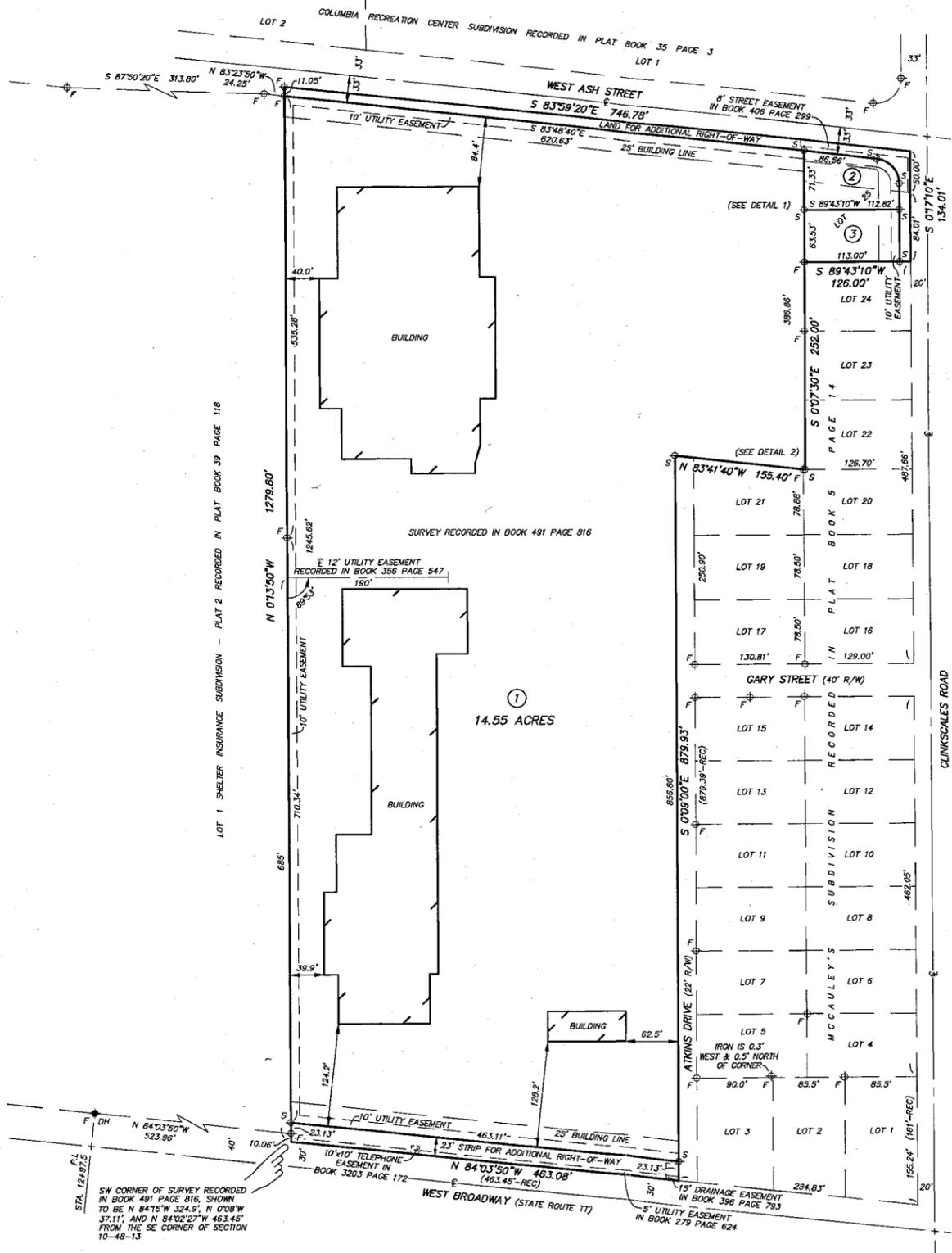
APPROVED BY THE PLANNING AND ZONING COMMISSION,
COLUMBIA, MISSOURI, ON MARCH 21, 2013.

DOUG WHEELER, CHAIRPERSON

ACCEPTED BY ORDINANCE OF THE CITY COUNCIL OF
COLUMBIA, MISSOURI, THIS 15th DAY OF APRIL, 2013.

ROBERT MCDAVID, MAYOR

ATTEST: SHEELA AMIN, CITY CLERK



BEARINGS ARE REFERENCED TO
THE LINES OF SHELTER INSURANCE
SUBDIVISION - PLAT 2

MONUMENT LEGEND

- ⊕ IRON
- ⊙ DRILL HOLE
- ⊙ SET
- F FOUND

A SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF SECTION 10 T48N R13W, IN COLUMBIA, BOONE COUNTY, MISSOURI, BEING THE TRACT DESCRIBED BY A SURVEY RECORDED IN BOOK 491 PAGE 816 AND LOT 25, McCAULEY'S SUBDIVISION, RECORDED IN PLAT BOOK 5 PAGE 14, ALSO BEING THE TRACTS DESCRIBED BY DEEDS RECORDED IN BOOK 711 PAGES 642 AND 651, FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE TRACT OF LAND DESCRIBED BY A SURVEY RECORDED IN BOOK 491 PAGE 816, SHOWN BY SAID SURVEY AS BEING N 84°15'W 324.9 FEET, N 0°08'W 37.11 FEET AND N 84°02'27"W 463.45 FEET FROM THE SOUTHWEST CORNER OF SECTION 10-48-13, THENCE N 01°3'50"W, ALONG THE WESTERLY LINE OF SAID TRACT, ALSO BEING THE EASTERLY LINE OF LOT 1 SHELTER INSURANCE SUBDIVISION - PLAT 2, A DISTANCE OF 1279.80 FEET; THENCE CONTINUING ALONG THE LINES OF THE TRACT DESCRIBED BY A SURVEY RECORDED IN BOOK 491 PAGE 816, S 83°59'20"E 746.78 FEET; THENCE S 01°17'10"E 50.00 FEET TO THE NORTHEAST CORNER OF LOT 25 McCAULEY'S SUBDIVISION; THENCE ALONG THE LINES OF SAID SUBDIVISION, S 01°17'10"E 84.01 FEET; THENCE S 89°43'10"W 126.00 FEET; THENCE S 0°07'30"E 252.00 FEET; THENCE N 83°41'40"W 155.40 FEET; THENCE S 0°09'00"E 879.93 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF WEST BROADWAY; THENCE N 84°03'50"W, ALONG SAID LINE, 463.08 FEET TO THE BEGINNING AND CONTAINING 15.37 ACRES.

THIS TRACT IS SUBJECT TO UTILITY EASEMENTS RECORDED IN BOOK 279 PAGE 624, AND BOOK 356 PAGE 547, STREET EASEMENTS RECORDED IN BOOK 383 PAGE 921, AND BOOK 406 PAGE 299, A DRAINAGE EASEMENT RECORDED IN BOOK 396 PAGE 793, AND A TELEPHONE EASEMENT RECORDED IN BOOK 3203 PAGE 172, ALL LOCATED AS SHOWN ON THE PLAT.

THIS URBAN PROPERTY HAS BEEN SURVEYED AND SUBDIVIDED IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

BY:
ENGINEERING SURVEYS & SERVICES
MISSOURI L.S. CORP. #2004004672
1113 FAY STREET
COLUMBIA, MO 65201
PHONE: (573) 449-2646
EMAIL: TREET@ESS-INC.COM



Timothy J. Reed
TIMOTHY J. REED
PROFESSIONAL LAND SURVEYOR
LS 2089

STATE OF MISSOURI }
COUNTY OF BOONE } SS

ON THIS 11th DAY OF MARCH, 2013 BEFORE ME PERSONALLY APPEARED TIMOTHY J. REED TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED, IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL AT MY OFFICE IN SAID COUNTY AND STATE, THE DAY AND YEAR FIRST ABOVE WRITTEN.
MY TERM EXPIRES DECEMBER 6, 2015.

JOSHUA D. LEHMEN, NOTARY PUBLIC

KNOW ALL MEN BY THESE PRESENTS:
WE, SHELTER ENTERPRISES, LLC, A MISSOURI LIMITED LIABILITY COMPANY, BEING THE SOLE OWNER OF THE ABOVE DESCRIBED TRACT HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO THREE LOTS AS SHOWN ON THE PLAT. UTILITY EASEMENTS AND LAND FOR WEST BROADWAY RIGHT-OF-WAY, CLINKSCALES ROAD RIGHT-OF-WAY, AND ASH STREET RIGHT-OF-WAY, LOCATED AS SHOWN ON THE PLAT, ARE HEREBY DEDICATED TO THE CITY OF COLUMBIA FOR PUBLIC USE FOREVER.

SHELTER ENTERPRISES, LLC

BY: _____ ATTEST: _____
MADISON M. MOORE, MEMBER

STATE OF MISSOURI }
COUNTY OF BOONE } SS

ON THIS _____ DAY OF _____, 2013 BEFORE ME APPEARED MADISON M. MOORE, PERSONALLY KNOWN TO ME, WHO BEING BY ME DULY SWORN, DID SAY THAT HE IS A MEMBER OF SHELTER ENTERPRISES, LLC, A MISSOURI LIMITED LIABILITY COMPANY, WITH AUTHORITY TO BIND SAID LIMITED LIABILITY COMPANY AND THAT THE FOREGOING INSTRUMENT WAS SIGNED AND SEALED ON BEHALF OF SAID LIMITED LIABILITY COMPANY BY AUTHORITY OF ITS MEMBERSHIP, AND THAT HE ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID LIMITED LIABILITY COMPANY. IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL AT MY OFFICE IN SAID COUNTY AND STATE, THE DAY AND YEAR FIRST ABOVE WRITTEN.
MY TERM EXPIRES _____

_____, NOTARY PUBLIC

**EXCERPTS
PLANNING AND ZONING COMMISSION
MARCH 21, 2013**

V.) SUBDIVISIONS

13-22 A request by Engineering Surveys and Services, on behalf of Shelter Enterprises (owner), for a three-lot final minor plat, to be known as “Broadway Shopping Center Subdivision” and a right-of-way variance. The 15.37-acre site is located between Ash Street and Broadway, on the Broadway Shopping Center site.

MR. WHEELER: All right. Maybe we have a Staff report, please.

Staff report was given by Mr. Patrick Zenner of the Planning and Development Department. Staff recommends approval of the final plat and variance requests.

MR. WHEELER: Are there any questions of Staff? This is not a public hearing, but if anyone can offer us --

MR. REED: Mr. Wheeler, my name is Tim Reed. I'm the land surveyor with Engineering Surveys and Services. I really don't have anything to add to the Staff report that Mr. Zenner gave. I'd be happy to try to answer questions if you have any.

MR. WHEELER: Are there any questions of this speaker? Thank you, sir. All right. Commissioner?

MR. TILLOTSON: I think it's pretty cut and dried. I'd just go ahead and put it to a motion unless -- I make a motion to approve Case 13-22, a request by Engineering Surveys and Services, on behalf of Shelter Insurance Enterprises, for a three-lot final minor plat, to be known as “Broadway Shopping Center Subdivision” and a right-of-way variance. The 15.37-acre site is located between Ash Street and Broadway, on the Broadway Shopping Center site.

MR. WHEELER: Mr. Reichlin?

MR. REICHLIN: I'll second.

MR. WHEELER: Motion's been made and seconded. Discussion on the motion? Roll call, please.

MR. VANDER TUIG: Does that include the variance, just for clarification?

MR. TILLOTSON: Yes. I said right-of-way variance.

MR. VANDER TUIG: Oh. And right-of-way variance. Okay.